

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

**BMG RIGHTS MANAGEMENT )  
(US) LLC, and ROUND HILL )  
MUSIC LP )**

**Plaintiffs, )**

**v. )**

**Case No. 1:14-cv-1611(LO/JFA)**

**COX ENTERPRISES, INC., )  
COX COMMUNICATIONS, INC., )  
COXCOM, LLC )  
Defendants. )**

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**DECLARATION OF MICHAEL J. ALLAN IN SUPPORT OF PLAINTIFFS’  
OPPOSITION TO DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT**

I, Michael J. Allan, declare as follows:

1. I am a partner at Steptoe & Johnson LLP, counsel to Plaintiffs BMG Rights Management (US) LLC and Round Hill Music LP (“Plaintiffs”) in the above-referenced matter. I make this Declaration in support of BMG Rights Management (US) LLC and Round Hill Music LP’s Opposition to Defendants’ Motion for Summary Judgment.
2. Attached hereto as **Allan Exhibit 1** are true and correct copies of excerpts from the transcript of Jason Zabek’s June 2, 2015 deposition.
3. Attached hereto as **Allan Exhibit 2** are true and correct copies of excerpts from the transcript of Randall Cadenhead’s June 9, 2015 deposition.
4. Attached hereto as **Allan Exhibit 3** are true and correct copies of excerpts from the transcript of Neil Gillis’ July 22, 2015 deposition.

5. Attached hereto as **Allan Exhibit 4** are true and correct copies of excerpts from the transcript of Keith Hauprich's July 31, 2015 deposition.
6. Attached hereto as **Allan Exhibit 5** are true and correct copies of excerpts from the transcript of Roger Vredenburg's July 28, 2015 deposition.
7. Attached hereto as **Allan Exhibit 6** is a true and correct copy of a document marked as Exhibit 4 from the May 20, 2015 deposition of Joseph Sikes.
8. Attached hereto as **Allan Exhibit 7** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00181863 and marked as Exhibit 19 from the May 20, 2015 deposition of Joseph Sikes.
9. Attached hereto as **Allan Exhibit 8** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00006385 and marked as Exhibit 20 from the May 20, 2015 deposition of Joseph Sikes.
10. Attached hereto as **Allan Exhibit 9** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00006383 and marked as Exhibit 23 from the May 20, 2015 deposition of Joseph Sikes.
11. Attached hereto as **Allan Exhibit 10** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00218908 and marked as Exhibit 5 from the June 2, 2015 deposition of Jason Zabek.
12. Attached hereto as **Allan Exhibit 11** is a true and correct copy of a document produced by Cox in this litigation as COX\_MG00021635 and marked as Exhibit 10 from the June 2, 2015 deposition of Jason Zabek.

13. Attached hereto as **Allan Exhibit 12** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00151444 and marked as Exhibit 11 from the June 2, 2015 deposition of Jason Zabek.
14. Attached hereto as **Allan Exhibit 13** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00209134 and marked as Exhibit 14 from the June 2, 2015 deposition of Jason Zabek.
15. Attached hereto as **Allan Exhibit 14** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00199746 and marked as Exhibit 25 from the June 2, 2015 deposition of Jason Zabek.
16. Attached hereto as **Allan Exhibit 15** is a true and correct copy of a document produced by Rightscorp in this litigation as RHTS23136139 and marked as Exhibit 27 from the June 2, 2015 deposition of Jason Zabek.
17. Attached hereto as **Allan Exhibit 16** is a true and correct copy of a document produced by Rightscorp in this litigation as RGHTS12453044 and marked as Exhibit 28 from the June 2, 2015 deposition of Jason Zabek.
18. Attached hereto as **Allan Exhibit 17** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00207428 and marked as Exhibit 29 from the June 2, 2015 deposition of Jason Zabek.
19. Attached hereto as **Allan Exhibit 18** is a true and correct copy of a document produced by Cox in this litigation as COX\_MG00190183 and marked as Exhibit 31 from the June 2, 2015 deposition of Jason Zabek.

20. Attached hereto as **Allan Exhibit 19** a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00181871 and marked as Exhibit 3 from the July 28, 2015 deposition of Roger Vredenburg.
21. Attached hereto as **Allan Exhibit 20** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00181440 and marked as Exhibit 10 from the July 28, 2015 deposition of Roger Vredenburg.
22. Attached hereto as **Allan Exhibit 21** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00103791 and marked as Exhibit 14 from the July 28, 2015 deposition of Roger Vredenburg.
23. Attached hereto as **Allan Exhibit 22** is a true and correct copy of a document marked as Exhibit 8 from the June 9, 2015 deposition of Randall Cadenhead.
24. Attached hereto as **Allan Exhibit 23** is a true and correct copy of a document marked as Exhibit 9 from the June 9, 2015 deposition of Randall Cadenhead.
25. Attached hereto as **Allan Exhibit 24** is a true and correct copy of Cox Communications, Inc.'s First Supplemental Responses to Plaintiffs' First Set of Interrogatories (Nos. 1-11), served March 25, 2015.
26. Attached hereto as **Allan Exhibit 25** is a true and correct copy of Cox Communications, Inc.'s Third Supplemental Responses to Plaintiffs' First Set of Interrogatories (Nos. 3 and 5), served July 24, 2015.
27. Attached hereto as **Allan Exhibit 26** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00180000 and marked as Exhibit 24 at the June 2, 2015 deposition of Jason Zabek.

28. Attached hereto as **Allan Exhibit 27** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00222667.
29. Attached hereto as **Allan Exhibit 28** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00181426.
30. Attached hereto as **Allan Exhibit 29** is a true and correct copy of a document produced by Cox in this litigation as Sullivan00002576.
31. Attached hereto as **Allan Exhibit 30** is a true and correct copy of a document produced by Rightscorp in this litigation as RGHTS00000689.
32. Attached hereto as **Allan Exhibit 31** is a true and correct copy of a document produced by Rightscorp in this litigation as RGHTS00001548.
33. Attached hereto as **Allan Exhibit 32** is a true and correct copy of a document produced by Rightscorp in this litigation as RGHTS00001549.
34. Attached hereto as **Allan Exhibit 33** is a true and correct copy of a document produced by Rightscorp in this litigation as RGHTS00003924.
35. Attached hereto as **Allan Exhibit 34** is a true and correct copy of a document produced by Rightscorp in this litigation as RGHTS00004447.
36. Attached hereto as **Allan Exhibit 35** is a true and correct copy of a document produced by Rightscorp in this litigation as RGHTS00004451.
37. Attached hereto as **Allan Exhibit 36** is a true and correct copy of a document produced by Rightscorp in this litigation as RGHTS00004452.
38. Attached hereto as **Allan Exhibit 37** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00004554.

39. Attached hereto as **Allan Exhibit 38** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00008066.
40. Attached hereto as **Allan Exhibit 39** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00147710.
41. Attached hereto as **Allan Exhibit 40** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00164035.
42. Attached hereto as **Allan Exhibit 41** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00184735.
43. Attached hereto as **Allan Exhibit 42** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00188943.
44. Attached hereto as **Allan Exhibit 43** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00209880.
45. Attached hereto as **Allan Exhibit 44** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00143226 and marked as Exhibit 16 at the July 17, 2015 deposition of Linda Trickey.
46. Attached hereto as **Allan Exhibit 45** is a true and correct copy of Exhibit D of the July 31, 2015 Christopher Rucinski Supplemental Expert Report.
47. Attached hereto as **Allan Exhibit 46** are true and correct copies of documents produced by Cox in this litigation as COX\_BMG00221808, COX\_BMG00221181, COX\_BMG00221214, COX\_BMG00220653, COX\_BMG00220686, COX\_BMG00220785, and COX\_BMG00221775 and a true and correct copy of a document marked as Exhibit 9 from the August 13, 2015 deposition of William Basquin.

48. Attached hereto as **Allan Exhibit 47** are true and correct copies of examples of copyright infringement notices sent to Cox in 2014 and produced by Rightscorp as RGHTS17116798, RGHTS17833167, RGHTS17891360, RGHTS19474985, and RGHTS20217378.
49. Attached hereto as **Allan Exhibit 48** are true and correct copies of examples of copyright infringement notices sent to Cox in 2013 and produced by Rightscorp as RGHTS12234051, RGHTS13759512, RGHTS13868854, RGHTS14126040, and RGHTS15276889.
50. Attached hereto as **Allan Exhibit 49** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00213513.
51. Attached hereto as **Allan Exhibit 50** is a true and correct copy of a letter sent from Marybeth Peters, Register of Copyrights, to Howard L. Berman on September 25, 2002.
52. Attached hereto as **Allan Exhibit 51** is a true and correct copy of a document produced by Cox in this litigation as SULLIVAN00002520.
53. Attached hereto as **Allan Exhibit 52** is a true and correct copy of excerpts from the transcript of Joseph Sikes' May 20, 2015 deposition.
54. Attached hereto as **Allan Exhibit 53** is a true and correct copy of Cox Communications' Objections and Responses to Plaintiffs' Sixth Set of Interrogatories (Nos. 21 - 24), served August 13, 2015.
55. Attached hereto as **Allan Exhibit 54** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00199556 and marked as Exhibit 26 at the June 2, 2015 deposition of Jason Zabek.
56. Attached hereto as **Allan Exhibit 55** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00007962 and marked as Exhibit 18 at the June 2, 2015 deposition of Jason Zabek.

57. Attached hereto as **Allan Exhibit 56** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00181434.
58. Attached hereto as **Allan Exhibit 57** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00207596 and marked as Exhibit 34 at the May 20, 2015 deposition of Joseph Sikes.
59. Attached hereto as **Allan Exhibit 58** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00004624 and marked as Exhibit 27 at the July 17, 2015 deposition of Linda Trickey.
60. Attached hereto as **Allan Exhibit 59** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00147710 and marked as Exhibit 6 at the August 12, 2015 deposition of Ryan Sullivan.
61. Attached hereto as **Allan Exhibit 60** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00148905.
62. Attached hereto as **Allan Exhibit 61** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00180285 and marked as Exhibit 36 from the May 20, 2015 deposition of Joseph Sikes.
63. Attached hereto as **Allan Exhibit 62** is a true and correct copy of certain pages of the website [www.reddit.com](http://www.reddit.com) produced by BMG in this litigation as BMG00013284.
64. Attached hereto as **Allan Exhibit 63** is a true and correct copy of certain pages of the website [www.reddit.com](http://www.reddit.com) produced by BMG in this litigation as BMG00013177.
65. Attached hereto as **Allan Exhibit 64** is a true and correct copy of certain pages of the website [www.reddit.com](http://www.reddit.com) produced by BMG in this litigation as BMG00012278.



66. Attached hereto as **Allan Exhibit 65** is a true and correct copy of a document produced by Cox in this litigation as COX\_BMG00213162 and marked as Exhibit 6 at the June 2, 2015 deposition of Jason Zabek.

67. Attached hereto as **Allan Exhibit 66** is a true and correct copy of certain pages of the website www.reddit.com produced by BMG in this litigation as BMG00013156.

I declare under penalty of perjury that the above facts are true to the best of my knowledge.

Washington, D.C  
October 13, 2015

A handwritten signature in cursive script, appearing to read "Michael J. Allan", written in dark ink.

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Michael J. Allan  
Counsel for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on October 13, 2015, I electronically filed a true and correct copy of the foregoing using the Court's CM/ECF system, which then sent a notification of such filing (NEF) to all counsel of record:

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/s/ Jeremy Engle  
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